

THE HONORABLE JOHN C. COUGHENOUR

REQUEST FOR JUDICIAL ASSISTANCE
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PREMIER HARVEST LLC, *et al.*,

Plaintiffs,

v.

AXIS SURPLUS INSURANCE
COMPANY, *et al.*,

Defendants.

CASE NO. C17-0784-JCC

REQUEST FOR INTERNATIONAL
JUDICIAL ASSISTANCE (LETTER
ROGATORY)

The United States District Court for the Western District of Washington presents its compliments to the appropriate judicial authority of British Columbia, Canada and requests international judicial assistance to obtain evidence to be used in a civil proceeding before this Court in the above-captioned matter. A trial on this matter is scheduled for January 14, 2019.

This Court requests the assistance described herein as necessary in the interests of justice. The assistance requested is that the appropriate judicial authority of British Columbia, Canada compel the appearance of the following individual to testify in a deposition and provide documents in his own care, custody or control, or in the care, custody or control of his company, Tradex Corporation: Robert Reiersen, President & CEO of Tradex Foods, 410-3960 Quadra Street, Victoria, B.C., Canada.

1 **FACTS**

2 This lawsuit involves insurance coverage for damage at a fishing facility in Adak, Alaska,
3 which is a remote island in the far southwestern corner of the Aleutian Islands. The fishing facility
4 was leased and operated by Plaintiffs, operating under the name Premier Harvest. Adak
5 experienced strong windstorms in December 2015, and Premier Harvest's facility suffered
6 damage from the storms. Defendant AXIS Surplus Insurance Company ("AXIS") issued a
7 commercial property policy covering the Adak facility. In the first three months following the
8 December storms, AXIS paid \$3 million to cover the storm damage. In this lawsuit, Plaintiffs
9 allege that more funds are owed. AXIS disputes this allegation and alleges that much of the
10 damage claimed as storm-caused loss actually pre-existed the storms.

11 In an examination under oath, one of Premier Harvest's principals, Dustin Anderson,
12 testified that in 2015, prior to the storms, Tradex Foods ("Tradex") discussed sub-leasing a portion
13 of the Adak facility from Premier Harvest for purposes of running a cod line. Anderson testified
14 that Tradex's CEO, Rob Reiersen, visited the Adak facility, inspected it, and observed Premier
15 Harvest's operations. Therefore, Reiersen and/or Tradex may possess significant evidence or
16 testimony regarding the condition of the property prior to the storm. Their due diligence or
17 negotiations with Premier Harvest may also be relevant to Plaintiffs' claims for economic
18 consequential damages.

19 Plaintiffs acknowledged the relevance of Reiersen's information and invited AXIS to
20 reach out to Mr. Reiersen and obtain documents and information regarding his observations of
21 the Adak facility. AXIS contacted Mr. Reiersen, who admitted that he inspected the Adak facility
22 in 2015.

23 **PRAYER FOR RELIEF**

24 This case is set for trial on January 14, 2019. The testimony, under oath, of Mr. Robert
25 Reiersen is desired for a just adjudication of the issues pending before this Court. The witness
26 should be presented oral questions during the requested depositions by the attorneys or agents of

any party to this action present, including attorneys admitted to practice in the Courts of the State of Washington, on matters related to the claims in the litigation, including the following:

1. The condition of the real and personal property leased by Premier Harvest in Adak, Alaska;

2. Business operations at the Adak property, including financial information and the nature and needs of those operations; and

3. Any and all communications with any representative or owner of any business operating under the name Premier Harvest, including its attorneys.

Said deposition is to take place, under oath, at an Official Court Reporter in the Province of British Columbia at a mutually convenient time and location in Victoria, BC (or another mutual agreeable location).

In addition, Mr. Reiersen and Tradex should also be ordered to produce the following documents:

1. Any and all documents relating to any property or commercial operations in Adak, Alaska, including but not limited to inspection reports, appraisals, photographs, contracts (including drafts), text messages, emails, or financial records or analyses; and

2. Any and all communications with any representative or owner of any business operating under the name Premier Harvest, including its attorneys.

DATED this 6th day of April 2018.



John C. Coughenour
UNITED STATES DISTRICT JUDGE